



GAIL FARBER, Director

## COUNTY OF LOS ANGELES DEPARTMENT OF PUBLIC WORKS

*"To Enrich Lives Through Effective and Caring Service"*

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<http://dpw.lacounty.gov>

ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

September 29, 2015


The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, California 90012

Dear Supervisors:

# ADOPTED

BOARD OF SUPERVISORS  
COUNTY OF LOS ANGELES

27 September 29, 2015

  
PATRICK OGAWA  
ACTING EXECUTIVE OFFICER

**CONSTRUCTION-RELATED CONTRACT  
AWARD OF CONSULTANT SERVICES AGREEMENT FOR  
AS-NEEDED THIRD-PARTY LABOR COMPLIANCE MANAGEMENT SERVICES  
(ALL SUPERVISORIAL DISTRICTS)  
(3 VOTES)**

**SUBJECT**

This action is to award a consultant services agreement for monitoring services of contractors' compliance with State labor regulations related to construction projects.

**IT IS RECOMMENDED THAT THE BOARD:**

1. Authorize the Director of Public Works or her designee to execute a consultant services agreement with Hill International, Inc., and GCAP Services, Inc., to provide as-needed labor compliance management services for various County of Los Angeles construction projects for a three-year term. Each consultant services agreement shall be for a not-to-exceed amount of \$2 million. The term of each consultant services agreement shall commence on the date of the full execution of the contract and shall extend for a period of three years from such commencement date. The expiration of the consultant services agreement is subject to the following condition: Where services for a given project have been authorized by the County of Los Angeles but are not completed by the consultant prior to the stated expiration date, the expiration date will be automatically extended solely to allow for the completion of such services.
2. Delegate authority to the Director of Public Works or her designee to amend previously authorized services and extend the contract expiration date as necessary to complete those previously authorized services when the amended services are previously unforeseen, related to a

previously assigned scope of work on a given project, and are necessary for the completion of that given project.

3. Delegate authority to the Director of Public Works or her designee to supplement the initial not-to-exceed amount of \$2 million for any of the above-referenced two agreements by up to 10 percent per amendment based on workload requirements.

### **PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION**

The purpose of the recommended actions is to allow the Department of Public Works to provide labor compliance monitoring services to ensure compliance with all pertinent Federal, State, and local laws and regulations, applicable administrative regulations, and the terms and conditions of contracts, in accordance with the Federal Department of Labor and State Department of Industrial Relations' amended regulations, and also provide monitoring of Local Worker Hiring program when required in the contract.

The Davis-Bacon Act for Federally funded construction projects and State prevailing wage laws for other construction projects apply to contractors and subcontractors performing work relating to the construction, alteration, or repair (including painting and decorating) of public buildings or public works. Both the Davis-Bacon Act and State prevailing wage laws require contractors and subcontractors to pay their laborers and mechanics employed under the contract no less than the locally prevailing wages and fringe benefits for corresponding work on similar projects in the area. Those prevailing wage rates are determined by the United States Department of Labor for Federally funded projects and by the State Department of Industrial Relations for all other projects.

### **Implementation of Strategic Plan Goals**

The Countywide Strategic Plan directs the provisions of Operational Effectiveness/Fiscal Sustainability (Goal 1) by increasing our ability to manage fluctuations in workload in a responsive manner and provide responsive, efficient, and high-quality public service. The recommended action will help achieve this goal by providing for services facilitating the delivery of various construction projects.

### **FISCAL IMPACT/FINANCING**

There will be no impact to the County's General Fund.

The total cost of the as-needed consultant services agreement shall not exceed \$2 million for each consultant during the maximum three-year period, except that the Director of Public Works or her designee may supplement the amounts of these agreements by up to 10 percent based on workload requirements, but only to the extent that there is sufficient approved budget capacity for the additional amounts.

Financing for these consultant services are included in various Fiscal Year 2015-16 Fund Budgets. Funding to finance future contract years will be requested through the annual budget process. When the need arises for service under these contracts, financing for the required labor compliance services will be made from the appropriate fund. Total expenditures for these consultant services, however, will not exceed the amount approved by the Board.

The labor compliance management and related services consultant agreement costs will be included in each capital or infrastructure project budget as a separate line item and funded as construction contracts are approved by the Board.

### **FACTS AND PROVISIONS/LEGAL REQUIREMENTS**

A standard consultant services agreement, in the form previously approved by County Counsel, will be used. The agreement will be in compliance with the Chief Executive Officer's and the Board's requirements.

The agreement will contain terms and conditions supporting the Board's ordinances, policies, and programs, including but not limited to: County's Greater Avenues for Independence and General Relief Opportunities for Work Programs (GAIN/GROW), Board Policy No. 5.050; Contract Language to Assist in Placement of Displaced County Workers, Board Policy No. 5.110; Reporting of Improper Solicitations, Board Policy No. 5.060; Notice to Contract Employees of Newborn Abandonment Law (Safely Surrendered Baby Law), Board Policy No. 5.135; Contractor Employee Jury Service Program, Los Angeles County Code, Chapter 2.203; Notice to Employees Regarding the Federal Earned Income Credit (Federal Income Tax Law, Internal Revenue Service Notice 1015); Contractor Responsibility and Debarment, Los Angeles County Code, Chapter 2.202; Child Support Compliance Program, Los Angeles County Code, Chapter 2.200; Defaulted Property Tax Reduction Program, Los Angeles County Code, Chapter 2.206; and the standard Board-directed clauses that provide for contract termination or renegotiation.

Data regarding the proposers' minority participation is on file with Public Works. The consultants were selected upon final analysis and consideration without regard to race, creed, gender, or color.

### **ENVIRONMENTAL DOCUMENTATION**

The proposed activity is not a project pursuant to the California Environmental Quality Act (CEQA) because it is an activity that is excluded from the definition of a project by Section 15378(b) of the CEQA Guidelines. The proposed actions are an administrative activity of the government which will not result in direct or indirect changes to the environment.

### **CONTRACTING PROCESS**

On March 5, 2015, Public Works issued a Request for Proposals (RFP). The RFP was posted on both the "Doing Business with Us" and the Public Works' "Contract Opportunities" websites.

On April 22, 2015, 12 firms responded to the RFP. An evaluation committee, consisting of Public Works' technical staff, evaluated the proposals as outlined in the RFP. The selected firms represent the highest rated firms to provide the required services based upon their price, technical expertise, proposed work plan, experience, personnel, qualifications, and understanding of the work requirements. These evaluations were completed without regard to race, creed, color, or gender. Based on the Evaluation Committee's review and evaluation of the proposals and oral interviews, the Evaluation Committee recommended Hill International, Inc., and GCAP Services, Inc., as the two highest rated firms to perform the specified services on an as-needed basis.

The Community Business Enterprises participation data and three-year contracting histories for the two selected firms are on file with Public Works.

Public Works has evaluated and determined that the Los Angeles County Code Chapter 2.201 (Living Wage Program) does not apply to the recommended agreements. These agreements are exempt from the requirements of Proposition A because the services are required on a part-time and intermittent basis.

**IMPACT ON CURRENT SERVICES (OR PROJECTS)**

There will be no negative impact on current County services or projects during the performance of the recommended consultant services agreements. These consultant services agreements will provide necessary as-needed labor compliance monitoring services to support various County projects in an efficient manner, enhancing the delivery of County projects.

**CONCLUSION**

Please return one adopted copy of this letter to the Department of Public Works, Construction Division.

Respectfully submitted,

A handwritten signature in black ink that reads "Gail Farber". The signature is written in a cursive, flowing style.

GAIL FARBER  
Director

GF:JTS:lg

c: Chief Executive Office (Rochelle Goff)  
County Counsel  
Executive Office  
Internal Services Department (Countywide  
Contract Compliance)